

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

**AFFIRMATION OF AFFIANT THAT
SEARCH WARRANT AND AFFIDAVIT
WAS REVIEWED BY AN ASSISTANT STATE ATTORNEY**

Your Affiant, Detective Yunieski Arriola, ID #7550, of the Miami-Dade Police Department, hereby affirms that on the 10th day of January 2022, the Search Warrant and Affidavit for the premises:

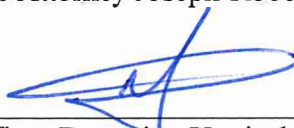
DESCRIPTION OF "THE PREMISES" TO BE SEARCHED:

1517 NW 155th Street, MIAMI GARDENS, FLORIDA

In Incorporated City of Miami Gardens, Florida, further particularized as follows:

- a. Color of Structure: Green in color with a light trim, and a grey colored roof.
- b. Compass direction of described door faces: The door of the premises is white in color, faces east, and is the first door north of the south wall.
- c. Structure number and where it is affixed: The numerals "1517" are affixed on the south facing wall.
- d. Any distinguishing characteristics: The premises is a single family, single-story structure, and is the tenth dwelling west of Railroad Drive. The premises is surrounded by a wrought iron fence.
- e. The side of the street on which the structure is located: The structure is on northside of NW 155th Street.

Was reviewed by Miami-Dade County Assistant State Attorney Joseph-Robert Forman.


Affiant Detective Yunieski Arriola #7550

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

AFFIDAVIT FOR SEARCH WARRANT

Before me, Richard Hersch, a Judge of the Circuit Court of the Eleventh Judicial Circuit of Florida, electronically appeared Detective Yunieski Arriola, Badge #7550, who being sworn in by Sergeant Thomas Martinez, ID #3606, of the Miami-Dade Police Department, deposes and says that he has probable cause to believe and does believe that evidence relating to a felony is located at the below described premises, which is located in Incorporated City of Miami Gardens, Florida, and hereinafter referred to as "The Premises."

DESCRIPTION OF "THE PREMISES" TO BE SEARCHED:

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STATUTE(S) BEING VIOLATED

Florida Statute § 934.215 - Unlawful use of a two-way communication device

Florida Statute § 893.13(1)(a)1 - Sale of a controlled substance

PROPERTY SOUGHT

This court authorizes the officers, agents and investigators of the above reference agencies to search “The Premises” described above and the curtilage thereof, and seize the below-described evidence, with the proper and necessary assistance of civilians, and further, to conduct a forensic examination of any of the listed items, if necessary:

1. Any electronic device, but not limited to cellular phones, used or owned by Instagram user “poohsanedahomie” which may have been used for the creation of these pictures and/or videos.
2. Any and all contraband.
3. Any other items deemed of evidentiary value that could be relevant to proving the above listed charges.

All of the items detailed in paragraph number one (1) through number three (3), above are hereinafter referred to as “The Property.” Your Affiant’s reasons for the belief that “The Property” is being concealed and stored at “The Premises” above described and the facts establishing the grounds for this affidavit and the probable cause for believing that such facts exist are detailed below.

GROUND FOR ISSUANCE

Your Affiant has reason to believe that evidence relevant to proving a felony has been committed is contained therein. The facts establishing the grounds for this affidavit and the probable cause for believing that such facts exist are detailed below.

PROBABLE CAUSE

Your Affiant, Detective Yunieski Arriola, of the Miami-Dade Police Department, Criminal

Investigations Division, Homicide Bureau, Homicide Street Violence Task Force, has been a Police Officer for nine (9) years. Your Affiant has been assigned to this unit since July 2017. Your Affiant has received training in the identification of narcotics from the Miami-Dade Police Department. Your Affiant's duties consist of the investigation of offenses committed by criminal gangs and criminal enterprises and has actively participated in numerous investigations. Your Affiant is also a member of the Miami-Dade County Multi-Agency Gang Task Force and South Florida High Intensity Drug Trafficking Area Program.

This affidavit is based upon information personally known to Your Affiant based upon investigation, and information obtained from others who have investigated this matter and/or have personal knowledge of the facts herein. Since this affidavit is being submitted for a limited purpose of establishing probable cause, Your Affiant has not included every aspect, fact, or detail of this investigation.

Your Affiant frequently views various social media platform's including Instagram and knows that the Instagram account "poohsanedahomie" frequently posts pictures and videos which depict LAVON MOSS, B/M, DOB: 10/09/1989. It appears that MOSS is the sole user of the Instagram account.

On December 31, 2021, at approximately 1:15 pm, Your Affiant was utilizing the social media application Instagram and observed pictures posted by the of Instagram account "poohsanedahomie." Your Affiant knows that this account belongs to LAVON MOSS JR. In the pictures, MOSS posted a written statement stating "Yercs on deck" which is a street slang for I have Percocet's for sale, which is a controlled substance. **(Exhibit 1)**

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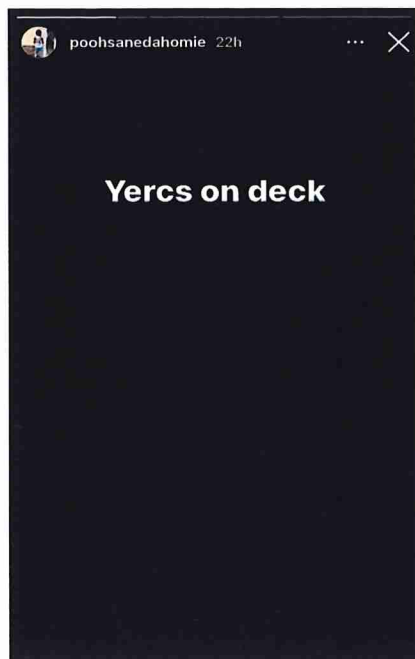


Exhibit 1

On December 31, 2021, at approximately 1:15 pm, Your Affiant was utilizing the social media application Instagram when he observed videos posted by the Instagram account “poohsanedahomie.” In the videos, MOSS posted two pill bottles full of Oxycodone, and stated “Perculadies, C230, U17” and “Yall come get them things”. (**Exhibit 2 and Exhibit 3**)



Exhibit 2



Exhibit 3

Upon seeing the post, Your Affiant realized it was posted one hour prior. Your Affiant along with several Miami-Dade Police Department Detectives immediately drove to the registered address of LAVON MOSS JR in Miami-Dade County and saw LAVON MOSS JR standing in the area with several other males.

Your Affiant knows that Oxycodone is a controlled substance, and it comes in different milligrams and colors. C230 and U17 are known to Your affiant as types of Oxycodone pills. Your Affiant also knows that LAVON MOSS JR is alerting his Instagram followers that he is selling Percocet and Oxycodone.

On January 3, 2022, investigators of the Miami-Dade Police Department served Instagram with a warrant authorized by the Eleventh Judicial Circuit of Florida for the Instagram account "poohsanedahomie".

On January 5, 2022, Instagram began to respond to the warrant served to them on January 3, 2022. MDPD investigators were able to determine that the mobile device accessing the Instagram account belonged to the cellular telephone carrier T-Mobile.

On January 5, 2022, MDPD investigators served T-Mobile with a location warrant authorized by the Eleventh Judicial Circuit of Florida. Since then MDPD investigators have continued to conduct surveillance in an effort to locate LAVON MOSS JR. and the device which has been utilizing the Instagram account "poohsanedahomie".

On January 7, 2022, Your Affiant was utilizing the social media application Instagram when he observed a video posted by the Instagram account "poohsanedahomie." Your Affiant knows that this account belongs to LAVON MOSS JR. In the video, MOSS posted a large brown paper bag which contained several medium sized clear bags which contained marijuana inside.
(Exhibit 4)



Exhibit 4

On May 4, 2018, LAVON MOSS JR. was issued a Florida Uniform traffic citation for operation a motor vehicle without a valid driver's license (Citation# A91TBRE). Your Affiant viewed body worn camera footage of the traffic stop which depicted LAVON MOSS JR. as the person who was issued the traffic citation.

Your Affiant reviewed LAVON MOSS JR.'s most recent Miami-Dade County mugshot booking photo taken on June 29, 2018 (**Exhibit 5**). The booking photo of LAVON MOSS JR. also confirmed that the person depicted in the pictures posted on the Instagram account are in fact LAVON MOSS JR.

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Exhibit 5

On January 10, 2022, at approximately 7:00pm, Your Affiant along with other members of the Miami-Dade Police Department responded to the area where T-Mobile stated that the aforementioned cellular device was located. As of this writing, it has been determined that based on the location information provided by T-Mobile, the device is located within "The Premises".

USE OF DRONE SURVEILLANCE

Florida Statute 934.50(2) defines a drone as a powered aerial vehicle that does not carry a human operator; uses aerodynamic force to provide vehicle life; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload.

Florida Statute 934.50 prohibits law enforcement from using a drone to gather evidence or other information *without* the issuance of a search warrant.

Your Affiant seeks authorization in this search warrant for use of a drone pursuant to F.S. 934.50. It is anticipated that prior to the actual execution of this warrant, a drone will be utilized by a qualified remote pilot of the Aventura Police Department and/or Miami-Dade Police Department to conduct surveillance of the above described property to determine if any potential dangers exist to law enforcement, determine the locations of any objects/structures on the property

not previously observed, and to observe if any visible occupants at the said location are awake and/or have ready access to any items that may pose a danger to law enforcement. Additional considerations include loose animals on the premises and the presence of children or civilians in the immediate surrounding area.

Drone photography and/or motion video shall be focused on the aforementioned described premises, however it is understood, due to the nature of drones and imaging devices, incidental photographs and/or motion video of areas in the immediate area, and flight path to/from the takeoff/landing area may occur. Based on unforeseeable circumstances, including airspace restrictions and weather conditions, the exact takeoff/landing location and flight route cannot be specified until a pre-mission briefing.

During the actual execution of the search warrant, drone photography and/or motion video may be used to assist law enforcement resources in preventing imminent danger to life and/or serious damage to property, apprehension of fleeing suspects, documenting the outdoor scene for the furtherance of the investigation, courtroom presentation, grand jury investigation, and photogrammetry (measurements obtained by use of photographs).

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Based upon the foregoing, there is probable cause to believe that the items described above as "The Property," are located within "The Premises."

WHEREFORE, Your Affiant prays that a Search Warrant be issued commanding the

Director of the Miami-Dade Police Department, who is also known as the Sheriff of Miami-Dade County, Florida, or his Deputies, and the Commissioner of the Florida Department of Law Enforcement, or any of his duly constituted agents, all Investigators of the State Attorney of the Eleventh Judicial Circuit of Florida, all with the proper and necessary assistance, to search "The Premises" above-described, and all spaces therein, and the curtilage thereof, any and/or temporary structures within the curtilage for "The Property" above-described, making the search in the Daytime or the Nighttime, as the exigencies may demand or require, or on Sunday, and if the same be found in "The Premises" to seize the same as evidence.



Detective Yunieski Arriola
Miami-Dade Police Department
Badge #7550
AFFIANT

SWORN TO AND SUBSCRIBED before me this the 10TH day of
January, 2022.



Sergeant Thomas Martinez, ID #3606
MIAMI-DADE POLICE DEPARTMENT

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

SEARCH WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR:

The Director of the Miami-Dade Police Department, who is also known as the Sheriff of Miami-Dade County, Florida, or his Deputies, and the Commissioner of the Florida Department of Law Enforcement, or any of his duly constituted Agents, and all Investigators of the State Attorney of the Eleventh Judicial Circuit of Florida, all Investigators of the Drug Enforcement Administration, all Investigators of the Homeland Security Investigations, all Investigators of the United States Postal Inspectors Office Miami-Dade County, Florida, with proper and necessary assistance.

Affidavit having been made before me by Detective Yunieski Arriola of the Miami-Dade Police Department, who being first duly sworn by Sergeant Thomas Martinez, ID #3606, of the Miami-Dade Police Department, deposes and says that he has probable cause to believe and does believe that the law relating to narcotics or drug abuse is being violated therein, at the below described premises, which are located in Incorporated City of Miami Gardens, Florida, and hereinafter referred to as "The Premises."

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Affiant's Initials YA

Judge's Initials 

- e. The side of the street on which the structure is located: **The structure is on northside of NW 155th Street.**

STATUTE(S) BEING VIOLATED

Florida Statute § 934.215 Unlawful use of a two-way communication device

Florida Statute § 893.13(1)(a)1 Sale of a controlled substance

GROUND(S) FOR ISSUANCE

The facts upon which the Affiant's belief is based have been stated under oath and are set out in the Affiant's AFFIDAVIT FOR SEARCH WARRANT. These facts are now incorporated herein and made a part of this SEARCH WARRANT.

NOW THEREFORE, the facts upon which the belief of said Affiant is based as set out in said AFFIDAVIT FOR SEARCH WARRANT are hereby deemed sufficient to show probable cause for the issuance of a Search Warrant in accordance with the application of the Affiant. And as I am satisfied that there is probable cause to believe that "The Property" described below is being concealed and stored in "The Premises" above-described, I find probable cause for the issuance of this Search Warrant.

PROPERTY SOUGHT

This court authorizes the officers, agents and investigators of the above reference agencies to search "The Premises" described above and the curtilage thereof, and seize the below-described evidence, with the proper and necessary assistance of civilians, and further, to conduct a forensic examination of any of the listed items, if necessary:

1. Any electronic device, but not limited to cellular phones, used or owned by Instagram user "poohsanedahomie" which may have been used for the creation of these pictures and/or videos.
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3. Any other items deemed of evidentiary value that could be relevant to proving the above listed charges.

All of the items detailed in paragraph number one (1) through number three (3), above are hereinafter referred to as "The Property." Your Affiant's reasons for the belief that "The Property" is being concealed and stored at "The Premises" above described and the facts establishing the grounds for this affidavit and the probable cause for believing that such facts exist are detailed below.

For the reasons set forth in the accompanying affidavit, the officers who execute this warrant are authorized to employ a small Unmanned Aerial Vehicle (UAV) as necessary to complete their mission and protect the safety of the officers, the occupants of "The Premises," and others in the vicinity. Such use shall be limited to providing officers with a real-time view of "The Premises" and the area nearby for the purpose of detecting attempts to escape or utilize violence against the officers, enabling officers to obtain a full real-time view of the outside of the structure they are about to enter and the surrounding area and, if necessary, tracking the flight of escapees.

YOU ARE HEREBY COMMANDED to enter and search "The Premises" for "The Property" above-described, and all spaces therein, serving this warrant and making the search in the Daytime or the Nighttime, as the exigencies may demand or require, or on Sunday, with the proper and necessary assistance, within ten (10) days from the date of issuance and if "The Property" above-described be found there, to seize the same evidence and to arrest all persons in the unlawful possession thereof, leaving a copy of this Warrant and a receipt for the property taken and prepare a written inventory of the property seized and return this Warrant before a court having competent jurisdiction of the offense within ten (10) days from the date of execution as required by law.

WITNESS MY HAND and seal this the 10 day of January, 2022.


JUDGE OF THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Affiant's Initials YA

Judge's Initials 